

# SUMMARY MINUTES OF THE SAINT PAUL CITY COUNCIL Wednesday, May 2, 2007 - 3:30 p.m.

# CITY COUNCIL CHAMBERS, 3RD FLOOR City Hall and Court House 15 West Kellogg Boulevard

Note: All City Council meetings are on the City of Saint Paul's website. Meetings can be viewed in their entirety or a specific item can be viewed. Visit our website at <a href="https://www.ci.stpaul.mn.us/council">www.ci.stpaul.mn.us/council</a> and click on Watch the Live Webcast.

The meeting was called to order at 3:35 p.m. by Council President Lantry

Present – 7 – Benanav, Bostrom, Harris, Helgen, Lantry, Montgomery, Thune Absent – 0

Councilmember Helgen read Item 4 into the record and removed Item 14 from the Consent Agenda for separate consideration.

Councilmember Bostrom moved approval of the consent agenda as amended. Adopted as amended Yeas - 7 Nays - 0

#### **CONSENT AGENDA (Items 1 - 24)**

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

#### COMMUNICATIONS AND ADMINISTRATIVE ORDERS

- 1. Claims of Regina Krohn, Dave Kemp, Hans Molenaar, and Lafonda Shamsid-Deen. Referred to Risk Management
- Summons and Complaint in the matter of Shelly A. Brown and Kim Marks vs. the City of Saint Paul (regarding 949 Jenks Avenue East).
   Referred to the City Attorney's Office
- Summons and Complaint in the matter of Christine Peachey, as Trustee for the Heirs of Jack Martinson, vs. the City of Saint Paul, et al.
   Referred to the City Attorney's Office

- 4. Letter from the Office of the City Attorney announcing a hearing before an Administrative Law Judge on May 7, 2007 at 9:30 a.m., Room 41 City Hall, concerning all licenses held by DRJ, Inc., dba Diva's Overtime Lounge, 1141 Rice Street.
- 5. Letter from the Department of Planning and Economic Development announcing a public hearing before the City Council on May 16, 2007 to consider the application of Firstborne Properties to rezone property from R4 (One-Family Residential) to B2 (Community Business) at 1337 Pascal Street North (southwest corner at Bison Avenue). Zoning File No. 07-027-041
- 6. Letter from the Department of Public Works, Technical Services, announcing a public hearing before the City Council on May 16, 2007 to consider the petition of the City of Saint Paul to vacate two vacant parcels abutting property owned by Agriliance, LLC, 50 Chester Street, and to exchange those parcels with a parcel owned by Agriliance in the immediate vicinity.
- 7. Letter from the Department of Public Works, Technical Services, announcing a public hearing before the City Council on May 16, 2007 to consider the petition of Mark Arth to vacate the north/south alley right-of-way in part of Block 2, Snelling Park (Addition), and to dedicate a new cul-de-sac for alley turnaround.
- 8. Letter from the Department of Public Works, Technical Services, announcing a public hearing before the City Council on May 16, 2007 to consider the petition of the City of Saint Paul to vacate two lots along White Bear Avenue for sale to the Housing and Redevelopment Authority of the City of Saint Paul and their subsequent resale to existing businesses for parking purposes.
- 9. Letters from the Department of Safety and Inspections declaring 123 Atwater Street, 430 Banfil Street, 432 Banfil Street, 16 Douglas Street, and 826 Stellar Street as nuisance properties and setting date of Legislative Hearings for May 1, 2007 and City Council public hearings for May 16, 2007.
- 10. Letters from the Department of Safety and Inspections declaring 20 Acker Street West, 392 Edmund Avenue, and 1073 Earl Street as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

### **FOR ACTION**

11. Resolution – 07-378 – Approving the Memorandum of Agreement between the City and Pipefitters Local Union No. 455 for the 2007 Wage and Fringe Adjustment. (To be laid over one week for adoption)

Laid over to May 9 for adoption

- 12. Resolution 07-379 Approving the May 1, 2007 through April 30, 2007 Maintenance Labor Agreement between the City and the International Union of Painters and Allied Trades District Council 82. (To be laid over one week for adoption) (GS 3039047) Laid over to May 9 for adoption
- 13. Resolution -07-380 Accepting the Comprehensive Management Study of the Saint Paul Department of Fire and Safety Services, and providing direction to Mayor Coleman. Adopted Yeas -7 Nays -0
- Resolution 07-381 Approving funding for Round One of Cycle 13 (2007) of the Cultural STAR program.
   (Discussed after the consent agenda)
- 15. Resolution -07-382 Approving funding for the GIS Manager position. Adopted Yeas -7 Nays -0
- 16. Resolution 07-383– Authorizing the Police Department to enter into a Joint Powers Agreement with Ramsey County to participate as a Subsystem Subscriber with the Countywide Public Safety Radio Communications System.

  Adopted Yeas 7 Nays 0
- 17. Resolution 07-384 Authorizing the Police Department to enter into an agreement with the United States Department of Justice to participate in the Organized Crime Drug Enforcement Task Force from October 1, 2006 through September 30, 2007 Adopted Yeas 7 Nays 0
- 18. Resolution 07-385 Approving the application, per the Legislative Hearing Officer, for Liquor On Sale Over-200 seats, Liquor On Sale-Sunday, Liquor On Sale-2:00 a.m. Closing, Liquor-Outdoor Service Area (Patio), Entertainment (A), and Restaurant (B)-more than 12 seats licenses for Garpar Perez, President, d/b/a El Patio Mex Grill, 242 Seventh Street West.

 $Adopted \qquad Yeas-7 \qquad Nays-0$ 

19. Resolution – 07-386 – Approving an agreement between the City of Saint Paul and AMB Institutional alliance Fund III, L.P., a Delaware Limited Partnership, to use part of their property for vehicle parking during Saint Paul Saints home games and stadium events in 2007.

Adopted Yeas - 7 Nays - 0

20. Resolution – 07-387 – Approving the Tax Base Revitalization Grant applications submitted to the Department of Employment and Economic Development and the Metropolitan Council for the Hospital Linen, Rice and Winnipeg, Carleton Place Lofts, United Family Practice, 430 South Robert, and Osceola Townhomes sites.

Adopted Yeas - 7 Nays - 0

- 21. Resolution 07-388 –Approving the final plat for Dale Street Townhomes to create 16 townhouse lots and 2 common area lots. (ZF #07-047-937)

  Adopted Yeas 7 Navs 0
- 22. Resolution 07-389 Memorializing City Council action taken February 21, 2007 and approving a Subdivision (Combined Plat) for St. Paul Union Depot to create 25 parcels (lots). (ZF #06-284-250)

  Adopted Yeas 7 Nays 0
- 23. Resolution 07-390 Releasing easements in a portion of vacated Berry Avenue and a portion of vacated Pearl Street in order for Jefferson Commons to development residential property.

Adopted Yeas - 7 Nays - 0

24. Preliminary Order – 07-391– In the matter of constructing an above-standard twin lantern street lighting system on the west side of White Bear Avenue between 200 feet south of Rose Avenue and 200 feet north of Hawthorne Avenue, and setting date of public hearing for June 6, 2007. (File No. 19042

 $Adopted \qquad Yeas-7 \qquad Nays-0$ 

14. Resolution – 07-381 – Approving funding for Round One of Cycle 13 (2007) of the Cultural STAR program. (*Removed for separate discussion*)

Councilmember Helgen introduced an amendment encouraging the Cultural Star Board to work with community partners to develop suitable proposals.

Councilmember Helgen moved approval as amended Yeas - 7 Nays - 0

### FOR DISCUSSION

25. Report from the Department of Safety and Inspections regarding dog incidences in the City of Saint Paul. (Report requested by Council on April 25)

Bill Stephenson, Department of Safety and Inspections, Animal Control Division, provided a report to the Council broken down by wards on the number of dog bites. He stressed that dog bites are being reduced annually.

Councilmembers Thune and Benanav were encouraged by the declining numbers of dog bites and commended staff for their hard work.

Councilmember Bostrom asked if the license identifies the dog breed and if it isn't on the license, he would like a way to track that information. Bill Stephenson clarified that it was on the dog identifier and not on the license. Bob Kessler said they will look at a systematic way to track this for the future.

Councilmember Thune noted the proclamation that Mayor Coleman released regarding the Saint Paul Hotel and added his congratulations to the hotel staff for their exemplary work.

#### **ORDINANCES**

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE SAINT PAUL LEGAL LEDGER. PUBLIC HEARINGS ON ORDINANCES ARE HELD AT THE THIRD READING.

26. First Reading – 07-392 - An Administrative Ordinance establishing the minimum qualifications for the position of Fire Chief.

Laid over to May 9 for second reading

The meeting was recessed from 3:55 p.m. to 5:30 p.m. Present -7 Absent -0

#### PUBLIC HEARINGS (public hearings will begin at 5:30 p.m.)

27. Third Reading – 07-336 – An ordinance amending Chapter 33.07 of the Saint Paul Legislative Code to clarify language requirements regarding fencing at a corner lot location.

Wendy Lane, Zoning Administrator, Department of Safety and Inspections, clarified the ordinance changes and said changes were made because of citizens asking for clarity on

fencing requirements.

No one appeared in opposition; Councilmember Thune moved to close the public hearing and lay over to May 9 for final adoption

Laid over to May 9 Yeas – 7 Nays - 0

28. Third Reading – 07-348 – An ordinance amending Chapter 61 of the Saint Paul Legislative Code by adding a new section providing for the automatic termination of conditional use permits under certain conditions.

Allen Torstenson, Department of Economic Development, presented a staff report to the Council.

No one appeared in opposition; Councilmember Thune moved to close the public hearing Yeas - 7 Nays - 0

Laid over to May 9 for final adoption

29. Resolution – 07-364 – Approving the application of the University of St. Thomas, represented by Charlie Potts and Amy Graff, for a sound level variance in order to present live music, with limitations, for an outdoor concert at 2115 Summit Avenue (Foley Plaza) on May 12, 2007 from 7:00 p.m. to 9:00 p.m. (Laid over from April 25 for public hearing)

No one appeared in opposition; Councilmember Benanav moved to close the public hearing and approval.

Adopted Yeas - 7 Nays - 0

30. Resolution – 07-393 – Approving adverse action against licenses held by Kopilenko International Wines & Liquors, dba International Wine and Liquors, 710 Cleveland Avenue South.

Rachel Gunderson, Assistant City Attorney representing the Department of Safety and Inspections, presented a report. This was a liquor compliance check in which undercover minors were sold liquor without requesting their identifications. The penalty matrix is \$1000 but she said they would not disagree if the Council wanted to lower the penalty amount.

Councilmember Thune and Council President Lantry raised concerns that it was only three (3) months ago since the last violation occurred with this establishment serving minors.

Councilmember Harris said he spoke to Mr. Kopilenko about this issue. No one appeared in opposition; Councilmember Harris moved to close the public hearing Yeas-7 Navs - 0

Councilmember Harrmis moved approval as amended (imposed \$1000 fine; \$500 to be paid now, \$500 stayed for 12 months on the condition that there are no same or similar violations).

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Yeas -4 Nays -3 (Helgen, Lantry, Thune)
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31. Public hearing to consider the report of the Administrative Law Judge concerning all licenses held by Reese-Brooks Hospitality Industries, LLC, d/b/a Minnehaha Lanes, 955 Seminary Avenue.

Rachel Gunderson, Assistant City Attorney representing the Department Safety and Inspections, gave a staff report. They are in agreement with the Administrative Law Judge Report with the exception of Conclusion #8 because it recommends a downward deviation. The department feels the penalty matrix of \$500 should be upheld.

No one appeared in opposition; Councilmember Montgomery moved to close the public hearing. Yeas - 7 Nays - 0

Councilmember Montgomery moved approval as amended (adopt the Findings of Fact, and Conclusions of Law, and Recommendations of the Administrative Law Judge imposing a \$500 fine; \$250 to be paid now, \$250 stayed for 18 months on the condition that there are no violations of Chapter 238).

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Yeas -4 Nays -3 (Benanav, Helgen, Lantry, )
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Councilmember Harris introduced the leader and members of Boys Scouts Troop #245.

- 32. Resolution Ratifying Assessment 07-394 In the matter of the assessment of benefits, cost and expenses for the installation of a sanitary sewer and connection at 1464 Point Douglas Road South. (File No. 18932A1) (To be withdrawn)

  Withdrawn
- 33. Resolution Ratifying Assessment 07-395 In the matter of the assessment of benefits, cost, and expenses for the repair of sanitary sewer connections, at the request of the property owners, in conjunction with the Arlington/Pascal RSVP project for 2005 and 2006. [File No. 19005C]

Andy Palmer, 1431 Frankson Avenue spoke in opposition to this issue because the work was completed two years prior to him moving into the residence and it was not flagged as a pending assessment by the City. He requested the assessment be waived for them because of the length of time it took the City to record it as a pending assessment.

Mary Sommerfield, Edina Realty, representing the current owners, appeared. The title company says they aren't liable for the assessment because of the length of time (2 years)

it took to record the pending assessment. She raised concerns that pending assessments are not being recorded in a timely manner which she finds unacceptable.

Mike Becker, 1647 Huron Street, spoke in opposition. He disputed the number of feet he is being assessed and raised concerns that sewers were not replaced before the streets were replaced.

Councilmember Helgen moved to close the public hearing Yeas - 7 Nays - 0

Councilmember Benanav was concerned that the pending assessment wasn't filed in a timely manner and wanted to know when the assessment was filed.

Larry Lueth, Department of Public Works, said that two years to post a pending assessment was not the norm and he has rectified this for the future. He would like to remedy this situation by pursuing payment from the previous owner. If this is unsuccessful, he recommended waiving the assessment for the current owner. With regard to the 1647 Huron address, he has deducted 8 feet on the Huron address so it is 16 feet assessment.

Jerry Hendrickson, Assistant City Attorney, suggested passing the resolution with the exception of the Frankson address and to bring forward a new resolution in the future for that address.

Councilmember Benanav moved approval as amended (1431 Frankson Avenue will be considered at a later date) Yeas - 7 Nays - 0

34. Resolution Ratifying Assessment – 07-396 – In the matter of the assessment of benefits, cost, and expenses for summary abatements (property clean-ups) on private property from January 30 to February 23, 2007 [J0703A]; providing weekly garbage hauling services from January 31 to February 27, 2007 [J0703G]; demolition of a vacant building at 492 Bay Street in February, 2007 [J0703C]; and removing diseased elm trees from private property during the winter season of 2006/2007 [0701T]. (Legislative Hearing Officer recommends the following:

1195 Arona Street (J0703A) - reduce the assessment from a total of \$231.84 to a total of \$131.84;

936 Aurora Avenue (J0703A) - approve the assessment;

<u>1244 Beech Street</u> (J0703A) - approve the assessment and spread the payments over five (5) years;

1758 Blair Avenue (J0703A) - approve the assessment;

924 Cook Avenue East (J0703A) - delete the assessment;

<u>510 Edmund Avenue</u> (J0703A) - reduce the assessment from a total of \$228 to a total of \$114;

1633 Edmund Avenue (J0703A) - approve the assessment;

694 Fourth Street East (J0703G) - delete the assessment;

1579 Iowa Avenue East (J0703A) - delete the assessment;

<u>606 Jessamine Avenue East</u> (J0703A) - approve the assessment and spread the payments over five years;

<u>606 Jessamine Avenue East</u> (J0703G) - approve the assessment and spread the payments over five years;

1016 Magnolia Avenue East (J0701T) - recommendation is forthcoming; continued to May 16 City Council Public Hearings;

<u>218 Morton Street East</u> (J0703A) - <del>recommendation is forthcoming</del>; <u>approve the</u> assessment;

1120 Reaney Avenue (J0703A) - approve the assessment; delete the assessment;

1028 Ross Avenue (J0703A) - approve the assessment;

1670 Seventh Street East (J0703A) - approve the assessment;

487 Sherburne Avenue (J0703G) - approve the assessment;

941 Third Street East (J0703A) - approve the assessment; and

<u>585 Thomas Avenue</u> (J0703G) - approve the assessment and spread the payments over five (5) years.)

Jay Shen spoke in opposition on behalf of the owner of 1195 Arona Street.

Councilmember Thune moved to close the public hearing Yeas - 7 Nays - 0

Vicki Sheffer, Assistant to Marcia Moermond, Legislative Hearing Officer, said the owner was referred to Meredith Vogland to clean up the graffiti.

Councilmember Benanav moved approval as amended (per the recommendation of the Legislative Hearing Officer) Yeas - 7 Nays - 0

35. Resolution Approving Assessment – 07-397 – In the matter of the assessment of benefits, cost, and expenses for summary abatement for the excessive consumption of inspection services for property code violations billed during September 5 to November 27, 2006. [J0608E] (Legislative Hearing Officer recommends the following:

1485 Albemarle Street (J0608E) - approve the assessment;

936 Aurora Avenue (J0608E) - approve the assessment;

1168 Bush Avenue (J0608A) - approve the assessment;

<u>123 Farrington Street</u> (J0608E) - recommendation is forthcoming; <u>laid over to the May 15</u> <u>Legislative Hearings and May 16 City Council Public Hearings;</u>

308 Front Avenue (J0608E) - delete the assessment;

<u>449 Hatch Avenue</u> (J0608E) - recommendation is forthcoming; <u>public hearing continued</u> <u>to June 6</u>

956 Iowa Avenue West (J0608E) - approve the assessment and spread the payments over two (2) years; delete the assessment (by Council)

1154 Lane Place (J0608E) - approve the assessment;

1005 Matilda Street (J0608E) - delete the assessment;

1865 Morgan Avenue (J0608E) - approve the assessment and spread the payments over two (2) years;

1120 Reaney Avenue (J0608E) - delete the assessment;

1083 Sherburne Avenue (J0608E) - delete the assessment;

921 Stinson Street (J0608E) - approve the assessment;

<u>426 Wabasha Street South</u> (J0608E) - recommendation is forthcoming; <u>delete the</u> assessment;

910 Wilson Avenue (J0608E) - delete the assessment; and

1119 Woodbridge Street (J0608E) - approve the assessment.)

763 Minnehaha Avenue East (J0608E) - laid over to the May 22 Legislative Hearings and June 6 City Council Public Hearings.

Councilmember Helgen moved to adopt as amended (per the recommendation of the Legislative Hearing Officer) Yeas - 7 Nays - 0

- 36. Appeal of Efigenia Sanchez-Morgado to a Summary Abatement Order for property at <u>997</u> Jessie Street. (Withdrawn)
- 37. Appeal of Mario Lee to a Summary Abatement Order for property at <u>419 Thomas Avenue</u>. (Withdrawn)
- 38. Appeal of Mary Jo Durand and John Katter to a Summary Abatement Order and Condemnation Order for property at 1904 Princeton Avenue. (Legislative Hearing Officer's recommendation is forthcoming; the Legislative Hearing Officer recommends denying the appeal on the condemnation order and ordering the property vacated on May 7, 2007 unless the following condition is met: the entire first floor is cleaned out and sanitized. Further, the Legislative Hearing shall be continued until such time as the nuisance condition is abated.)

John Katter, 1904 Princeton Avenue spoke in opposition.

Councilmember Harris moved to close the public hearing Yeas – 7 Nays – 0

Councilmember Harris moved to deny the appeal (per the recommendation of the Legislative Hearing Officer)

Yeas - 7

Nays - 0

39. Appeal of Bashir Moghul, on behalf of Mahmood Hassan, to a Certificate of Occupancy, which includes Condemnation, for property at 500 Sherburne Avenue. (Legislative Hearing Officer recommends denying the appeal.)

No one appeared in opposition; Councilmember Montgomery moved to close the public hearing and deny the appeal

Motion of Intent – Appeal Denied Yeas - 7 Nays – 0

## Suspension Items

Councilmember Thune moved suspension of the rules to introduce the following resolution: Yeas - 7 Nays - 0

Resolution – 07-398 –Waiving the 15-day notice requirement, Legislative Code 409.11 and granting the application for on sale liquor over 100 seats, on sale liquor Sunday, extended food service hours, and on sale liquor 2:00 a.m. closing for Progic Inc. d/b/a Inuendo, 213 4th Street East.

Councilmember Thune moved approval Adopted Yeas – 7 Nays – 0

Council President Lantry moved suspension of the rules to introduce the following resolution: Yeas - 7 Nays - 0

Resolution – 07-399 – Approving a Joint Powers Agreement with Ramsey County for Wireless CAD System Access.

Council President Lantry moved approval

Adopted Yeas - 7 Nays - 0

Councilmember Harris moved suspension of the rules to introduce the following resolution: Yeas - 7 Nays - 0

Resolution – 07-400 - Proclaiming May 6, 2007 as "Sargeant John Kriesel Day" in the City of Saint Paul.

Councilmember Harris moved approval Adopted Yeas – 7 Nays – 0

Councilmember Thune moved to adjourn the meeting	$_{\text{ng.}}$ Yeas $-7$ Nays $-6$	)
ATTEST:	ADJOURNED at 6:30 P.M.	
Mary Erickson Assistant Council Secretary	Kathy Lantry, Council Presiden	nt
Submitted by: Carol Broermann	May 23, 2007 Minutes approved by Council	